

REMARKS

Applicant has not amended the claims. Claims 1, 2, 4-8, 10-16, 26, 27, 30, 31, 33 and 34 are pending.

Claim Rejections Under 35 U.S.C. §§ 102, 103

In the Office Action, the Examiner maintained the rejection of claims 1-2, 4-5, 7-8, 10, 14-15, 18, 26-27, 29-31, and 36 under 35 U.S.C. 102(e) as being anticipated by Greco (US 2003/0070056 A1). In addition, the Examiner maintained the rejection of claims 3, 6, 9, 11-13, 16-17, 19, 28, 32-35 and 37 under 35 U.S.C. 103(a) as being unpatentable over the Greco reference in view of Albrecht et al., (US 2002/0159185 A1), Poltkin et al. (US 5,297,124), and Goodman et al. (US 2002/0169521 A1).

With this Response, the Applicant has submitted signed copies of a Fifth Supplemental Declaration under 37 C.F.R. 1.131. The Fifth Supplemental Declaration addresses the issues raised by the Examiner. Applicant respectfully requests entry of the Fifth Supplemental Declaration and prompt allowance of the claims.

In the Office Action, the Examiner stated that Applicant's declaration filed on May 18, 2005 under 37 CFR 1.131 was ineffective to overcome the Greco reference.

With respect to section 19, the Examiner pointed to certain incorrect references to the pending claims. Applicant has corrected these sections of the 131 declaration.

In addition, the Examiner stated that the evidence was insufficient to establish diligence.. Applicant has revised the Declaration to clarify their reasonable diligence from prior to October 5, 2001 to the filing date of this application.

Applicant submits that the Fifth Supplemental Declaration and accompanying Exhibits establish that the Applicant conceived the inventions set forth in claims 1, 2, 4-8, 10-16, 26, 27, 30, 31, 33 and 34 of this application prior to October 5, 2001, and worked on such inventions with reasonable diligence from prior to October 5, 2001 to the filing date of this application. Accordingly, in view of the Declaration and Exhibits, Applicant respectfully submits that the rejections of claims 1, 2, 4-8, 10-16, 26, 27, 30, 31, 33 and 34, which are based upon the Greco reference having an effective date of October 5, 2001 under 35 U.S.C. § 102(e), should now be withdrawn.

Applicant does not acquiesce to or admit in any way to the propriety of the rejections advanced by the Examiner under sections 102 and 103 with respect to any of the claims. On the contrary, such claims recite a number of features that are neither disclosed nor suggested by the applied references. The Declaration should render moot such rejections in accordance with 37 C.F.R. 1.131 and expedite allowance of the pending claims.

No new issues have been raised by way of this response, and the evidence set forth in the Supplemental Declaration and accompanying Exhibits overcome the Greco reference and place the claims in a condition for allowance.

CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 09-0069. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

By:

11/9/06

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